

REMARKS

This paper is responsive to the Office Action of June 30, 2010. Applicants respectfully traverse all rejections of the Examiner.

Reconsideration and further examination is respectfully requested.

Support for the present claim amendments is found throughout the Specification and Figures as originally filed and in the previously submitted dependent claims 19 and 20.

No new matter has been added.

Claims 1, 5, 8, 12 and 15-20 stand rejected for obviousness under 35 U.S.C. 103 based on the combination of U.S. patent application publication 2004/0156356 ("Baeder") and U.S. patent 7,218,722 ("Turner"). Applicants respectfully traverse this rejection.

Baeder discloses a gateway that varies the length of voice data packets to be transmitted as a function of the spatial distance and/or time distance of the called party from the caller. Voice calls in the local area are assigned long packet lengths in Baeder to optimize bandwidth utilization and improve voice quality, and voice calls for long distances, where increased interference may occur on the long transmission link, are assigned short packet lengths, thereby increasing the throughput of voice data packets and thus improving voice quality.

Baeder teaches that a categorization according to the spatial distance of the called party from the caller is created based on the number of the called party (paragraph 0021). In paragraph 0036, Baeder teaches that a module in the gateway may be used for determining the time delay of a transmission of a voice data packet from the caller to the called party to determine an associated packet length.

The system disclosed in Turner uses a two-layer numbering scheme, in which a first or lower layer ("base layer") uses Directory Numbers (DNs) from the North American Numbering Plan (NANP), as assigned by a Local Exchange Carrier (LEC) or a neutral Industry number administrator. The directory numbers of Turner are described as geographic numbers, permanently associated with a specific rate center, and the base layer of Turner must translate the directory numbers into physical, local Internet addresses associated with an endpoint or other network termination point within a VPN. The Directory Numbers (DN) of Turner are also referred to as Network Addresses (NA).

A second or higher layer of numbers in Turner are "artificial numbers" referred to as Customer Addresses (CAs), and are used to identify individual users. The Customer Addresses (CAs) of Turner are assigned by the customer's administrator, and remain with the corresponding users wherever the users are located within the network. Turner discloses that a Directory Server (DS) performs translation from Customer Addresses to Network Addresses and vice versa. See lines 35-51 in column 2.

Step 183 in Fig. 4B of Turner is a decision point regarding whether a call is an "internal call". Beginning at line 12 in column 5, Turner discloses that a "network address" derived from a dialed number during call setup may change responsive to operation of an associated call agent during call setup, and that such a change in the network address used during call setup may indicate that the call is an "external call". In lines 12-22 of column 10, Turner teaches that once the final NA for the call destination is known, the call agent composes a corresponding "Internet address" (e.g. 3135552002@bigcorp.com). In this way, Turner describes call processing that ends with translation of a final "network address" to an e-mail address from which an Internet Protocol (IP) address is then generated for the destination endpoint of the call.

Nowhere in the combination of Baeder and/or Turner is there disclosed or suggested any method or system providing voice communications over a packet-based data communication network by:

receiving a call request;
determining whether the requested call would span a virtual private network gateway connecting a local network to an external network at least in part by comparing a current Internet Protocol (IP) address of a calling party phone to be used in the requested call with a local IP address associated with the calling party phone, and determining that the requested call would span the virtual private network gateway connecting the local network to the external network in response to detecting a mismatch between the current IP address of the calling party phone and the local IP address of the calling party phone; and
in response to a determination that the requested call would not span the virtual private network gateway connecting the local network to the external network, increasing a size of packets used in the call. (emphasis added)

as for example in the present independent claim 1. The combination of Baeder and Turner results in a system that uses a dialed number for a call to determine a spatial distance between parties of the call in order to vary packet length for the call as in Baeder, and in which call setup potentially involves a change in a directory number of the called party (the "network address" of the called party), such that the change in directory number for the called party during call setup may trigger an indication that the call is not internal as in Turner (i.e. step 183 in Fig. 4B). Nothing in the combination of Baeder and Turner discloses or suggests determining whether a phone of a calling party for a requested call is associated with an IP address that does not match a local IP address for the phone of the calling party, and/or changing packet size for a call responsive to a determination that the phone of a calling party is currently associated with an IP address that does not match a "local" IP address for that phone. The combination of Baeder and Turner therefore fails to disclose or suggest *determining whether the requested call would span a virtual private network gateway connecting a local network to an external network at least in*

part by comparing a current Internet Protocol (IP) address of a calling party phone to be used in the requested call with a local IP address associated with the calling party phone, and determining that the requested call would span the virtual private network gateway connecting the local network to the external network in response to detecting a mismatch between the current IP address of the calling party phone and the local IP address of the calling party phone, as in the present independent claims.

For the above reasons, Applicants respectfully submit that the combination of Baeder and Turner does not support a *prima facie* case of obviousness with regard to the present independent claims 1 and 8 under 35 U.S.C. 103. As to claims 5, 12, and 15-20 they depend from claims 1 and 8 and are respectfully believed to be patentable over the combination of Baeder and Turner for at least the same reasons.

The remaining dependent claims also stand rejected under 35 U.S.C. 103 based on Baeder and Turner, in further combinations with U.S. patent 7,283,541 ("Michelson") and U.S. patent application publication 2003/021904 ("Kotabe"). As set forth in detail above, Baeder and Turner do not disclose or suggest all the features of the present independent claims 1 and 8. The addition of the teachings of Michelson and/or Kotabe fails to remedy the shortcomings of Baeder and Turner described above. Michelson teaches managing packet size on a per-call basis, using factors such as distance between gateways, current backbone network status, service requested or access mechanism for a given call is disclosed. Kotabe discloses a packet communication device using a timer for always completing the transmission of a received packet within a delay assurance time length assurable by itself.

Nothing in the cited combinations of Baeder and Turner with Michelson and/or Kotabe discloses or suggests a system or method that includes *determining whether the requested call*

would span a virtual private network gateway connecting a local network to an external network at least in part by comparing a current Internet Protocol (IP) address of a calling party phone to be used in the requested call with a local IP address associated with the calling party phone, and determining that the requested call would span the virtual private network gateway connecting the local network to the external network in response to detecting a mismatch between the current IP address of the calling party phone and the local IP address of the calling party phone, as in the present independent claims 1 and 8. The dependent claims 2-4, 7, 9-11, and 14 are respectfully believed to be patentable over the cited combinations for at least the same reasons.

For the above reasons, Applicants respectfully request that the rejections based on Baeder, Gleneck and Michelson and/or Kotabe be withdrawn. This application is now considered to be in condition for allowance and such action is earnestly solicited.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

/David Dagg/

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